



# Reasonable adjustment policy

Last updated: November 2020 Due for review: November 2021

## Policy statement

Disability Sport & Recreation (DSR) is committed to providing an accessible and inclusive workplace to enable people with disability to participate fully in all aspects of employment, including job design, recruitment and selection, the work environment, staff training and development, performance management and departure.

In keeping with the Disability Discrimination Act, 1992 (DDA) and the relevant state legislation (e.g. Victorian Equal Opportunity Act, 2010), as well as our organisational disability action plan and diversity policy, DSR will commit to apply the principle of reasonable adjustment to remove barriers to employment participation by people with disability.

Reasonable adjustments will be made to enable appropriately skilled people with disability to perform the inherent requirements of their positions unless this is determined to cause undue hardship to our organisation.

The purpose of this policy is to outline the principles and procedures of making reasonable adjustments in the workplace to meet the needs of current and potential staff with disability.

## Definitions

### Disability

This policy adopts the broad-ranging definition of 'disability' set out in the DDA which, in the context of employment, can be summarised as a condition either caused by accident, trauma, injury, genetics or disease that may restrict a person's mental, emotional, sensory or mobility functions to undertake a job in the same way as a person without disability.

This covers physical, sensory, intellectual, learning, neurological and psychiatric disability. Disability may be temporary or permanent, total or partial, lifelong or acquired. The DDA definition also includes disability that presently exists, or previously existed but no longer exists, or may exist in the future, or is imputed to a person.



## **Disclosure**

Disclosure refers to a personal decision to tell a person or institution about one's disability. There is no legal obligation for a job applicant or employee to disclose disability to their employer, unless it is likely to affect their job performance or ability to work safely.

Non-disclosure is not an option for those with visible disability. But for those with hidden disability, there are many reasons they might choose not to disclose, such as fear of discrimination, concern about differential treatment, or a belief that their disability will not affect work performance.

Having a well-publicised reasonable adjustment policy can be one factor that may influence someone to disclose. Often disclosure might just be partial. Some people will feel comfortable disclosing prior to employment, others might prefer to wait till the probation period is over, their performance is affected, or they become unwell.

## **Inherent requirements**

Inherent requirements are the essential activities and tasks that must be carried out in order to get the job done. They relate to results or what must be accomplished, rather than the means or how it is accomplished.

Inherent requirements are different to 'job requirements'. Inherent requirements are the essential activities of the job: the core duties that must be performed in order to achieve the purpose of a position. Inherent requirements do not refer to all of parts of a job, for example non-essential tasks or tasks that may be negotiable and flexible.

## **Reasonable adjustment**

Reasonable adjustment refers to administrative, environmental or procedural alterations that enable a person with disability to have equal employment opportunity and work effectively. It may include changes to selection procedures, job redesign (including offering flexible working arrangements), alternative methods of information provision, additional training and specialist assistance and workplace modifications (including the purchase or modifying of equipment).

## **Unjustifiable hardship**

The requirement for employers to make adjustments to the workplace is measured against the concept of 'reasonableness'. If the implementation of an adjustment would cause unjustifiable hardship to an organisation, the employer is not obliged to implement it. Relevant factors might include practicality, complexity, the degree of disruption or benefit to the business or other people and cost. However, any assessment as to whether any of these factors would be judged as unreasonable will vary according to the size and nature of the business. The DDA places the onus on the employer to prove that the adjustment is unreasonable.

## Entitlement/coverage

All employees, both prospective and current, who have disclosed disability at any stage of the employment process and in all forms of employment (full-time, part-time, permanent and casual, temporary contractors or seasonal staff, probationary employees).

## Confidentiality

Personal information will only be collected from participants if absolutely necessary and any information that is collected will only be disclosed if necessary, in accordance with the law and the DSR Privacy Policy

## Communication and responsibilities

The Executive team has overall responsibility for ensuring this policy is implemented and regularly reviewed.

The CEO, in consultation with the Executive team, has day-to-day responsibility for ensuring that all reasonable adjustment applications are considered and implemented where reasonable/possible in accordance with this policy and that all employees and potential employees are made aware of this policy.

The CEO has the authority to approve all expenses (within budget or alternatively by reporting to the board for approval) relating to the purchase of equipment and/or software, alteration to accommodation arrangements such as refitting of office space and other reasonable adjustment related expenditures and processes.

Members of the Executive team have the authority to approve minor redesign requests relating to reasonable adjustments under this policy e.g. rearranging desk layouts.

## Procedure

All managers when faced with a reasonable adjustment request will contact the CEO who will then liaise with Job Access and/or the board to confirm whether or not the request can be accommodated.

Each type of adjustment will be considered on its merits and be related to the specific disability and the inherent requirements of the job. The nature of the adjustment will be assessed on-site in the workplace and will involve the prospective or current employee as one of the main sources of information on the adjustment sought.



The prospective employee's manager will be responsible for organising, if necessary, external workplace assessments through the Australian Government's Employment Assistance Fund (EAF) which can be accessed through the JobAccess Services ([www.jobaccess.gov.au](http://www.jobaccess.gov.au)), as well as initiating and progressing any applications under the EAF for funding to cover any approved adjustments requiring an outlay of over \$500.

A final decision on whether an adjustment is reasonable will be made by the CEO.

Where no costs are involved, for example for job redesign initiatives or office space reorganisation, then a decision can be made by the immediate manager.

Any appeals about reasonable adjustments decisions should go through existing employee grievance procedures.